

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) AMY DAWN FRANKS,)	
)	
Plaintiff,)	
v.)	Case No. 6:14-cv-00518-KEW
)	
(1) SOCIAL SERVICES FOUNDATION OF SOUTHERN OKLAHOMA, INC., dba SOUTHERN OKLAHOMA NUTRITION PROGRAM, a domestic not for profit business corporation,)	
)	JURY TRIAL DEMANDED
)	ATTORNEY'S LIEN CLAIMED
Defendant.)	

COMPLAINT

COMES NOW Plaintiff, Amy Dawn Franks, ("Plaintiff"), through undersigned counsel, and hereby submit the following Complaint against Social Services Foundation of Southern Oklahoma, Inc. dba Southern Oklahoma Nutrition Program, ("Defendant"), and state and allege as follows:

JURISDICTION AND VENUE

1. This action arises under Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e, *et eq.*, and the laws of the State of Oklahoma.
2. Jurisdiction is founded upon 28 U.S.C. § 1331, 1343, and 1367.
3. This Court has jurisdiction over the parties and the subject matter of this action, pursuant to 28 U.S.C. § 1331, and this action properly lies in the Eastern District of Oklahoma, pursuant to 28 U.S.C. §1391(c), because the claims herein arose in this judicial district. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the state law claims alleged herein because they are so related to the federal claims that they form

part of the same case or controversy at issue herein.

PARTIES

4. Plaintiff is, and was at all times hereinafter mentioned, domiciled in and a citizen of the State of Oklahoma, and Plaintiff is a female.
5. Plaintiff is an employee as defined by Title VII of the Civil Rights Act and the Oklahoma Anti-Discrimination Act.
6. Defendant is a domestic not for profit business corporation, conducting business within the Eastern District of Oklahoma.
7. Defendant is an employer as defined by Title VII of the Civil Rights Act and the Oklahoma Anti-Discrimination Act.
8. In conformance with Title VII statutory prerequisites, Plaintiff filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC"). The EEOC has now issued a Right to Sue letter for Plaintiff, which was received on or about September 2, 2014. Accordingly, the filing of this action is timely made.

OPERATIVE FACTS

9. Amy Dawn Franks was hired by Defendant on or about April 29, 2011, as an Assistant Cook. .
10. At all times material to this action, Plaintiff was a pregnant female individual employed by the Defendant.
11. On or about summer 2013, Plaintiff advised her immediate supervisor, Dorothy Taylor, that she may be pregnant. Plaintiff stressed that her pregnancy would not affect her job.
12. Plaintiff was scheduled to be out on maternity leave from mid-October to December 2013. On or about October 2, 2013, Plaintiff was required to begin leave due to

medical necessity.

13. On October 18, 2013, Plaintiff's daughter was born prematurely.
14. On October 2, 2013, Plaintiff was fired by Defendant, the same date she sought to begin her medical leave.
15. Plaintiff sought to return to work, but Defendant refused to permit her to do so.
16. No reason was given by Defendant for its firing of Plaintiff and its refusal to permit her to return to work after her pregnancy leave.

**FIRST CLAIM:
VIOLATION OF TITLE VII – PREGNANCY DISCRIMINATION**

Plaintiff re-alleges and incorporates the foregoing paragraphs as if fully set forth herein and further alleges as follows:

17. Plaintiff's status as a pregnant female entitles her to the protections afforded by Title VII of the Civil Rights Act of 1964.
18. Plaintiff was qualified to perform the duties of her position with Defendant.
19. Plaintiff satisfactorily performed the duties of her position with Defendant.
20. Plaintiff received different treatment than similarly situated non-pregnant employees.
21. Plaintiff's pregnancy was a motivating factor in Defendant's decision to terminate Plaintiff on October 2, 2013.
22. The conduct complained of constitutes illegal pregnancy discrimination in violation of Title VII.

**SECOND CLAIM:
VIOLATION OF OADA – PREGNANCY DISCRIMINATION**

Plaintiff re-alleges and incorporates the foregoing paragraphs as if fully set forth herein and further alleges as follows:

23. Plaintiff's status as a pregnant female entitles her to the protections afforded by Oklahoma

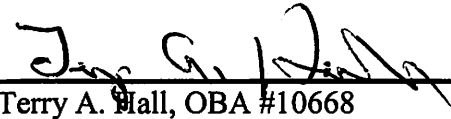
law which prohibits sex discrimination, harassment and retaliation in the workplace (as set forth in the OADA, 25 O.S. § 1302, et. seq.), and permits an aggrieved employee to bring a claim against an employer for permitting sex discrimination, harassment and retaliation.

24. Plaintiff was qualified to perform the duties of her position with Defendant.
25. Plaintiff satisfactorily performed the duties of her position with Defendant.
26. Plaintiff received different treatment than similarly situated non-pregnant employees.
27. Plaintiff's pregnancy was a motivating factor in Defendant's decision to terminate Plaintiff on October 2, 2013.
28. The conduct complained of constitutes illegal pregnancy discrimination in violation of the OADA, 25 O.S. § 1302, et. seq.

WHEREFORE, Plaintiff prays for a declaration that the conduct engaged in by Defendant is in violation of Plaintiffs' rights; for an award to Plaintiff for back pay, reinstatement or front pay in lieu of, and compensatory and punitive damages, including emotional distress, mental anguish, loss of enjoyment of life and humiliation, in an amount in excess of One Hundred Thousand Dollars (\$100,000.000); costs and expenses as provided for by applicable law; an assessment of damages to compensate for any tax consequences of this judgment and for any such other legal or equitable relief this Honorable Court deems just and proper.

Respectfully submitted,

HALL, NALLEY & HOLLOWAY, PLLC

A handwritten signature in black ink, appearing to read "Terry A. Hall", is written over a horizontal line.

Terry A. Hall, OBA #10668

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